

claim 16. No new features were introduced by these amendments. Therefore, because all of the features have previously been fully considered by the Patent Office, such amendments could not necessitate new grounds of rejections.

During the telephone conference between Examiner Berezny and Applicants' representative on May 10, the Examiner indicated that the finality of rejection for claims 1, 4-12, 14, and 17-20 is proper because the rewriting of claim 1 to depend from claim 13 and incorporation of claim 15 into claim 13 changed the claim scope for these claims. However, Applicants respectfully submit that such amendments are irrelevant for necessitating new grounds for independent claim 13. The features recited in claim 13 (original claims 13 and 15) were previously under consideration and therefore the amendment of claim 13 cannot necessitate new grounds of rejection. Further, making claim 1 dependent is equivalent to canceling claim 1, adding a new dependent claim and changing claim dependencies. Such amendments also cannot necessitate new grounds of rejection as the amendments only affected pending dependent claims.

Accordingly, Applicants respectfully submit that the finality of rejection is improper and request withdrawal of the finality.

## **II. Prior Art Rejections**

The Office Action rejects claims 13, 17 and 21 under 35 U.S.C. §102(e) over U.S. Patent No. 6,546,798 to Waters et al. (Waters), and rejects claims 1, 3-5, 8-12, 14 and 18 under 35 U.S.C. §103(a) over Waters in view of U.S. Patent No. 5, 242,841 to Smayling et al. These rejections are respectfully traversed

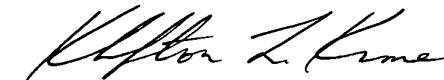
Applicants respectfully submit that Waters is not valid prior art under 35 U.S.C. §102(e). That is, as established by the attached Declaration Under 37 C.F.R. §1.131 signed by the inventors of this application, the inventors invented the subject matter of the present

application prior to the March 14, 2001 effective filing date of Waters. The claimed subject matter is fully supported by the invention proposal entitled "An IC Process For Integration of CMOS With Lateral DMOS And Photodiodes For Visible Lights" attached to the Declaration. Accordingly, Applicants respectfully request withdrawal of the rejections based on Waters.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3-14 and 17-21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:KLK/fpw

Attachments:

Declaration Under 37 C.F.R. §1.131  
Exhibit A

Date: June 30, 2005

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